

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2893

For: THIN-FILM CRYSTAL WAFER HAVING
PN JUNCTION AND METHOD FOR
FABRICATING THE WAFER

Examiner: N. NGO

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 CFR §1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §§ 1.705(b), the Applicants hereby request reconsideration of the patent term adjustment indicated on the Notice of Allowance for Application No. 10/046,739 (Exhibit 1). Specifically, while the Notice of Allowance indicates a patent term adjustment of 1443 days, Applicants submit that the patent term adjustment should correctly be 2552 days based on the following explanation.

STATEMENT OF FACTS

1. The Notice of Allowance, which issued in this case on March 15, 2010, indicated that the Patent Term Adjustment to date was 1443 days (see page 3 of Exhibit 1).
2. The U. S. Patent and Trademark Office's Patent Term Adjustment History, as indicated in the Patent Application Information Retrieval (PAIR) system indicates a Patent Term Adjustment due to prosecution delays of 1443 days, based upon 1443 days of USPTO delays (see Exhibit 2).

3. The Patent Term Adjustment History, as indicated in the USPTO's PAIR system, does not set forth any additional days of USPTO delay in connection the erroneous Notice of Abandonment mailed on July 28, 2003 (See Exhibit 3), for which a Petition to Withdraw the Holding of Abandonment was submitted on August 20, 2003 (See Exhibit 4).
4. A Second Submission of the Petition to Withdraw the Holding of Abandonment was submitted on November 25, 2003, (See Exhibit 5).
5. A Decision on Petition mailed July 22, 2004 granting the applicants' Petition to Withdraw the Holding of Abandonment (and which indicated that the resetting of a response period would be entered upon the date the Restriction Requirement re-mailing took effect (See Exhibit 6).
6. On January 25, 2005, applicants filed a formal Status Inquiry (See Exhibit 5).
7. The USPTO responded to the Status Inquiry and telephone status inquiry with a facsimile on April 4, 2005 providing a copy of a Notice of Abandonment and a Restriction Requirement dated July 23, 2004 (See Exhibit 6) that applicant, once again, did not receive.
8. Applicant filed a Petition to Withdraw the "second" Holding of Abandonment in the USPTO on May 4, 2005 (See Exhibit 7).
9. A Letter Resubmitting the May 4, 2005 Petition was subsequently filed on June 15, 2005 (See Exhibit 8).
10. A formal Status Inquiry was then filed on March 13, 2006 (See Exhibit 9).
11. A second formal Status Inquiry was filed again on May 22, 2009 (See Exhibit 10).
12. Decision on Petition to Withdraw the "second" Holding of Abandonment issued on July 30, 2009 (See Exhibit 11). The present Decision of grant did not specifically state "resetting of the period for response."
13. Applicant received a first non-final Office Action mailed on October 28, 2009 (See Exhibit 12). Ultimately, the restriction requirement was not upheld and therefore did not require a response from the applicant.

Applicant should be entitled to PTA for all of the days from 14 months from filing the present application, namely, March 17, 2003; until the first Office Action issued on October 28, 2009.

Applicant did not cause any delay in the prosecution of the present application.

Accordingly, the correct Patent Term Adjustment should be 2552 days of prosecution delay (i.e., USPTO Delays of 6005 days less 193 Applicant Delays, minus 3,260 overlapping days, for a Total Patent Term Adjustment of 2552 days), for the failure of the USPTO to provide an Office Action in the present application.

**COMPLIANCE WITH REQUIREMENTS OF
37 CFR § 1.705(b)(1) AND (2)**

14. A statement of facts is presented above, detailing the relevant dates and the correct patent term adjustment.
15. The present patent is not subject to any Terminal Disclaimer or any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).
16. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

CONCLUSION

The USPTO is requested to correctly indicate that U.S. Application No. 10/046,739 is entitled to 2552 days of Patent Term Adjustment.

PAYMENT OF FEES

As set forth in the attached Fee Transmittal, the Commissioner is hereby authorized to charge the amount of \$200.00 to Deposit Account No. 02-2448 for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 7, 2010

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

2292 7590 03/15/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

NGO, NGAN V

ART UNIT

PAPER NUMBER

2893

DATE MAILED: 03/15/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0102P	2551

TITLE OF INVENTION: THIN-FILM CRYSTAL WAFER HAVING PN JUNCTION AND METHOD FOR FABRICATING THE WAFER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after March 16, 2013, require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees.



PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

2292 7590 03/15/2010

BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (371) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,739

01/17/2002

Hisashi Yamada

3885-0102P

2551

TITLE OF INVENTION: THIN-FILM CRYSTAL WAFER HAVING PN JUNCTION AND METHOD FOR FABRICATING THE WAFER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1510

\$300

\$0

\$1810

06/15/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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NGO, NGAN V

2893

257-187000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys

or agents OR, alternatively,

(2) the name of a single firm (having as a member a

registered attorney or agent) and the names of up to

2 registered patent attorneys or agents. If no name is

listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0102P	2551
2292	7590	03/15/2010	EXAMINER	
NGO, NGAN V				
ART UNIT			PAPER NUMBER	
2893				

DATE MAILED: 03/15/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1443 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1443 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/046,739

Examiner

Ngan Ngo

Applicant(s)

YAMADA ET AL

Art Unit

2893

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/26/10.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Ngan Ngo/
Primary Examiner, Art Unit 2893

10/046,739 THIN-FILM CRYSTAL WAFER HAVING PN JUNCTION AND METHOD FOR FABRICATING THE WAFER 04-19-2010::13:46:09

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/046,739

Filing or 371(c) Date:	01-17-2002	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	1443
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
03-15-2010	Mail Notice of Allowance		
03-10-2010	Notice of Allowance Data Verification Completed		
03-10-2010	Case Docketed to Examiner in GAU		
03-10-2010	Document Verification		
02-23-2010	Date Forwarded to Examiner		
01-26-2010	Response after Non-Final Action		
10-28-2009	Electronic Review		
10-28-2009	Email Notification		
10-28-2009	Mail Non-Final Rejection	1443	
10-26-2009	Non-Final Rejection	↑	
10-13-2009	Case Docketed to Examiner in GAU	↑	
01-17-2002	Information Disclosure Statement considered	↑	
10-06-2009	Date Forwarded to Examiner	↑	
07-15-2005	Response to Election / Restriction Filed	↑	
10-08-2009	Mail Notice of Rescinded Abandonment		
10-06-2009	Notice of Rescinded Abandonment in TCs		
10-02-2009	Case Docketed to Examiner in GAU		
05-22-2009	Miscellaneous Incoming Letter		
03-13-2006	Miscellaneous Incoming Letter		
01-25-2005	Miscellaneous Incoming Letter		
08-01-2009	Email Notification		
07-30-2009	Mail-Petition to Revive Application - Granted		
07-29-2009	Petition to Revive Application - Granted		
05-04-2005	Petition Entered		
01-17-2002	Information Disclosure Statement (IDS) Filed		
04-08-2005	Mail Abandonment for Failure to Respond to Office Action		
04-06-2005	Aband. for Failure to Respond to O. A.		
07-23-2004	Mail Notice of Restarted Response Period		
07-23-2004	Letter Restarting Period for Response (i.e. Letter re: References)		
07-23-2004	Mail Notice of Rescinded Abandonment		



07-23-2004	Notice of Rescinded Abandonment in TCs
07-22-2004	Mail-Petition to Revive Application - Granted
08-20-2003	Petition Entered
11-24-2003	Request for Refund
02-26-2004	File Marked Found
01-16-2004	File Marked Lost
07-28-2003	Mail Abandonment for Failure to Respond to Office Action
07-25-2003	Aband. for Failure to Respond to O. A.
11-20-2002	Mail Restriction Requirement
11-18-2002	Requirement for Restriction / Election
08-25-2002	Receipt of all Acknowledgement Letters
01-17-2002	Request for Foreign Priority (Priority Papers May Be Included)
01-17-2002	Information Disclosure Statement (IDS) Filed
01-17-2002	Information Disclosure Statement (IDS) Filed
05-09-2002	Case Docketed to Examiner in GAU
05-02-2002	Application Dispatched from OIPE
05-01-2002	Application Is Now Complete
04-12-2002	Additional Application Filing Fees
04-12-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant
02-14-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated
02-07-2002	IFW Scan & PACR Auto Security Review
01-26-2002	IFW Scan & PACR Auto Security Review
01-17-2002	Initial Exam Team nn

Close Window



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,739

01/17/2002

Hisashi Yamada

3885-0187P

2551

2292

7590

07/28/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

102P

EXAMINER

TRINH, HOA B

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/28/2003

DOCKETED
Petition to
Revoke
2-2004

DOCKETED
Petition to
Withdraw
9-28-03

Please find below and/or attached an Office communication concerning this application or proceeding



Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

SU
TECHNOLOGY CENTER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

MS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 20, 2003

Sir:

In response to the Notice of Abandonment dated July 28, 2003, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 28, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The



offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of February 20, 2003 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of February 20, 2003 which

corresponds to the current application, Attorney Docket No. 3885-0102P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of February 20, 2003. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of February 20, 2003 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In

Appl. No. 10/046,739

the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 04/30/03)

Papers Filed herewith on: Aug. 20, 2003
DOCKET NO.: 3885-0102 PATTY. ADN
APPLICANT(S): YAMADA et al.
APPLN. NO. 10/046,739 FILED 1-17-02
PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc. Stmt. PTO-1449(s) _____ doc(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☐ FEES:

☒ Letter Politen to Nicholas Holder of Abundant
☒ Other Copy of 2-20-03 dock 2
& Copy of file jacket covs

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 9-28-03
Handcarry: _____

DOCKET NO. 3885-0102

2-20-53

[illegible]

MONTHLY BILLED CLIENT NO
CLIENT COPIES 2
CONFIRMATION NO.: 2551

SMALL
ENTITY _____
(FILED)

INVENTOR HISASHI YAMADA, NOBORU FUKUHARA, MASCHIKO HATA.

TITLE THIN-FILM CRYSTAL WAFER HAVING pn-JUNCTION AND METTIC.
FOR FABRICATING THE WAFER

APPLICATION NO. 101046 339 FILED: Jan 17, 2002
PRIORITY CLAIMED Jan 17, 2002 RECLAIMED _____ DRWGS. NO. OF SHEETS 3 (A4)
FOREIGN CASES JAPAN 8001-00143 Jan 17, 2001

[illegible]

ASSIGNMENT	PARENT/OFFSPRING
FILED IN PTO. <u>April 12, 2002</u>	
TO <u>Sumitomo Chemical Co., LTD.</u>	
ADDRESS _____	
796	

MS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Handcarry: Crystal Plaza 4
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 25 2003

Sir:

In response to the Notice of Abandonment dated July 28, 2003, applicant hereby respectfully submits for the second time a petition under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 28, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The



offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of February 20, 2003 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of February 20, 2003 which

corresponds to the current application, Attorney Docket No. 3885-0102P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of February 20, 2003. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of February 20, 2003 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al.

Also enclosed is a date-stamped receipt of our first submission of this Petition and evidence to the USPTO.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Appl. No. 10/046,739

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 04/30/03)



UNITED STATES PATENT AND TRADEMARK OFFICE

3885-102P

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Andrew D. Meikle
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of: :
Yamada, *et al.* :
Application No. 10/046,739 :
Filed: January 17, 2002 :
For: THIN-FILM CRYSTAL WAFER :
HAVING PN JUNCTION AND :
METHOD FOR FABRICATING THE :
WAFER :DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENTREVIEWED BY
DECKETTINGmm 7-26-04

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered ~~had it been received~~ and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1158 Official Gazette 83 (November 16, 1993) and M.P.E.P. '711.03(c).



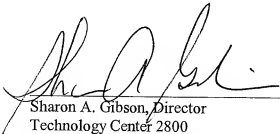
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: HOA B. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JAN 25 2005

Sir:

Please advise the undersigned as to the status of the above-identified application as follows:

Status of Office Action

A duplicate copy of the present Status Inquiry is attached hereto. It is respectfully requested that the duplicate copy be marked appropriately to indicate the status of the above-identified application and returned to the undersigned as soon as possible.

Please call the undersigned if there are any questions with regard to the present request.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM/bsh
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

- ☐ Awaiting Action from Patent Office Examiner - Expected Date for Action is: _____.
- ☐ Awaiting Decision by Board of Appeals.
- ☐ Application allowed on _____
- ☐ Abandoned per _____
- ☐ Other _____



ADM

clock



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

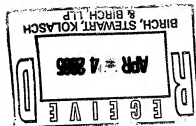
Fax Cover Sheet

Date: 04 Apr 2005

To: Mr. Andrew Meikle	From: Vikki H. Trinh
Application/Control Number: 10/046,739	Art Unit: 2814
Fax No.: 703-205-8050	Phone No.: 571-272-1719
Voice No.: (703) 205-8000	Return Fax No.: (571) 273-1719
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

Enclosed is a copy of a new Notice of Abandonment, which will be sent to you, and a copy of the Office Action sent on JULY 23, 2004.



Number of pages __ including this page

STATEMENT OF CONFIDENTIALITY

This facsimile transmission is a U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXHIBIT

8

Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
 - (a) ☐ A reply was received on _____ with a Certificate of Mailing or Transmission dated _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.135(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/ 2002	Hiroshi Yamada	3885-0101P	2551
2292	7590	37/23/2004	EXAMINER	
BIRCH STEWART KOI ASCH & BIRCH			TRINH, HOA B	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

2614

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are ending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subjected to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PT J-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Application/Control Number: 10/046,739
 Art Unit: 2814

Page 2

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.

II. Claims 5-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other than a materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the


Page 3

Application/Control Number: 10/046,739

Art Unit: 2814

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Zahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-7708.



Vikki Trinh,
Patent Examiner
AU 2814

November 17, 2002

MS PETITION
PATENT
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn
JUNCTION AND METHOD FOR FABRICATING THE
WAFER

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In response to the Notice of Abandonment dated April 4, 2005, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated April 4, 2005, indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action dated July 23, 2004.

However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of July 23, 2004 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.



1. EVIDENCE

The fact that the Office Action of July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I and II attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated July 23, 2004 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet(s) of Birch, Stewart, Kolasch & Birch, LLP for the date of August 21, 2004 through August 23, 2004 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, and Client Names, have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of August 23, 2004 which corresponds to the current application, Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of August 23, 2004 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al..

2. TERMINAL DISCLAIMER

- ☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 C.F.R. § 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the

notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

Previous Petition Granted

Also enclosed is a Decision on Petition dated July 22, 2004, which granted a previous Petition to Withdraw Holding of Abandonment filed originally on August 20, 2003. Again, the reason was that the Office Action was not received. It is not understood why this is the case. However, it is noted that the most recent cover sheet for the Notice of Abandonment and Office Action which was faxed on April 4, 2005, includes a "white streak" which appears to remove one of the digits from the zip code of the address. Perhaps this has prevented the document from being delivered to our offices. As a final note, we receive about 40 pieces of mail from the USPTO each day, and we have not had any problems like the present situation in which the failure to receive a piece of mail occurred a second time.

Enclosed Reply to Office Action

Since applicants have now received via facsimile the Office Action, i.e., the Restriction Requirement, a Reply to Restriction Requirement has been prepared and is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments:

Exhibit I - Copy of File Jacket
Exhibit II - Copy of Docket Sheet
Copy of Decision on Petition
Copy of Office Action
Reply to Restriction Requirement

PATENT NO. _____
ISSUED _____
PTA: _____ DAYS

BIRCH, STEWART, KOLASCH & BIRCH, LLP

MONTHLY BILLED CLIENT NO

CLIENT COPIES 2

CONFIRMATION NO.: 2557

SMALL
ENTITY _____
(FILED)

SUPPLEMENTAL VOLUME(S) _____

INVENTOR Hisashi YAMADA, Noboru FUKUHARA, Masahiko HATA,

TITLE THIN-FILM CRYSTAL WAFER HAVING p-n JUNCTION AND METHOD
FOR FABRICATING THE WAFER

APPLICATION NO. 10/046,739 FILED: Jan. 17, 2012

PRIORITY CLAIMED Jan. 17, 2002 RECLAIMED _____ DRWGS. NO. OF SHEETS 3 (A4)

FOREIGN CASES JAPAN 82U-019143 JAN. 17, 2001

[illegible]

ASSIGNMENT	PARENT/OFFSPRING
FILED IN PTO. <u>April 12, 2002</u>	
TO <u>Sumitomo Chemical Co., LTD</u>	
ADDRESS _____	
RECORDED <u>412108</u> REEL <u>D784</u> FRAME(S) <u>796</u> <u>797</u>	

ADDRESS

RECORDED 4/12/02 REEL 2784 FRAME(S) 795

3885-0102P

-0001

EXHIBIT
10/046, 739

T

DOCKET NO. 3825-1081

CLIENT M. TRAMER + ASSOCIATES 502
THEIR REF: TFP 1193 US

ASSIGNEE REF

August 20, 2004

Due Date List By Floor

21-Aug-2004

To

25-Aug-2004

Page: 37

Action Due
Action TypeDocket Number/Subcase
CountryStatus
ClientApp Number
Pat NumberApp Date
Iss DateOther
Atty's

Attorney(s)(Attorney2): ADM ANDREW D. MEIKLE

21-Aug-2004

FIRST AMEND X

0020-5206 /

United States of America

Published

AOYAMA & PARTNERS

11-Dec-2003

ADM

Due Date

OAFI

Published

AOYAMA & PARTNERS

11-Dec-2003

ADM

Title: MULTI-PIECE SOLID GOLF BALL

21-Aug-2004

DRAWINGS

0229-0697 /

United States of America

Published

Necmura & Co.

23-May-2002

ADM

Reminder

OAFI

Published

Necmura & Co.

23-May-2002

ADM

Title: PNEUMATIC TIRE

Slow Pay - See Managing Partner

Remarks: OA MAILED 6/21/04

21-Aug-2004

FIRST AMENDMENT

0229-0726 /

United States of America

Published

Necmura & Co.

14-Nov-2002

ADM

Due Date

OAFI

Published

Necmura & Co.

14-Nov-2002

ADM

EXTEND

Title: IRON-TYPE GOLF CLUB HEAD

Slow Pay - See Managing Partner

21-Aug-2004

FIRST AMEND X

0630-2009 / 2

United States of America

Pending

Park, Kim & Partner

22-Jun-2001

JTE

Due Date

oafi

Published

Park, Kim & Partner

22-Jun-2001

ADM

EXTEND

Title: PLASMA POLYMERIZATION ON SURFACE OF MATERIAL

Slow Pay - See Managing Partner

Remarks: per PAIR 4-26-04

21-Aug-2004

Information Disclosure Stmt

3673-0176 / 1

United States of America

Pending

OKA & PARTNERS

21-May-2004

ADM

Due Date

Information Disclosure Stmt

United States of America

OKA & PARTNERS

21-May-2004

ADM

NO

Title: MOLD FOR GOLF BALL

21-Aug-2004

Information Disclosure Stmt

3673-0179 / 1

United States of America

Pending

OKA & PARTNERS

21-Jun-2004

ADM

Reminder

Information Disclosure Stmt

United States of America

OKA & PARTNERS

21-Jun-2004

ADM

Title: TIRE PROFILE DESIGN METHOD

22-Aug-2004

IDS Reminder

3673-0180 / 1

United States of America

Pending

OKA & PARTNERS

22-Jun-2004

ADM

Reminder

Information Disclosure Stmt

United States of America

OKA & PARTNERS

22-Jun-2004

ADM

Title: APPARATUS FOR MEASURING A TRAJECTORY

23-Aug-2004

PET W/DR W/ABAND

0020-4230 /

United States of America

Pending

AOYAMA & PARTNERS

29-May-1997

ADM

Final

PW/A

United States of America

AOYAMA & PARTNERS

29-May-1997

ADM

Title: GOLF BALL

Remarks: Notice of Abandonment mailed 6-24-04

Floor; 5th.

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004 Reminder	IDS Reminder Information Disclosure Query	0229-0811 / 1 United States of America	Pending Nacamura & Co.	[REDACTED]	23-Jun-2004	ADM
<i>Title:</i> RAW TIRE FORMING APPARATUS AND RAW TIRE FORMING METHOD						
Slow Pay - See Managing Partner						
23-Aug-2004 Reminder	PERFECT FILING	0229-0815 / 1 United States of America	Pending Nacamura & Co.	[REDACTED]	23-Jul-2004	ADM
<i>Title:</i> ARCHITECTURAL STRUCTURE						
Slow Pay - See Managing Partner						
23-Aug-2004 Reminder	PERFECT FILING	0229-0816 / 1 United States of America	Pending Nacamura & Co.	[REDACTED]	23-Jul-2004	ADM
<i>Title:</i> METHOD OF SIMULATING VISCOELASTIC MATERIAL						
Slow Pay - See Managing Partner						
23-Aug-2004 Reminder	ISSUE FEB-2 DAYS	0760-0309 / United States of America	Published Tangawa & Associates	[REDACTED]	30-May-2002	ADM
<i>Title:</i> AGENT FOR IMPROVING LEARNING AND/OR MEMORY						
Remarks: PUB FEE						
23-Aug-2004 Due Date	RESTRICT REQ	3673-0153 / United States of America	Pending OKA & PARTNERS	[REDACTED]	25-Jul-2003	ADM
<i>Title:</i> GOLF BALL AND GOLF BALL MANUFACTURING METHOD						
Remarks: PUB FEE						
23-Aug-2004 Due Date	IDS - 2 WEEK IDS-2WK	3883-0107 / United States of America	Published M. TAKANO & ASSOCIATES	[REDACTED]	08-Jul-2003	ADM
<i>Title:</i> EPITAXIAL SUBSTRATE FOR COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE, METHOD FOR PRODUCING THE SAME AND LIGHT-EMITTING DEVICE						
<i>Remarks:</i> Fax re: UK Search Report and cited refs rec'd 8-9-04; originals rec'd 8-13-04 (SR mailed 7-5-04)						
Action Attorney(Attorney2): DRM DAVID R. MURPHY						
23-Aug-2004 Reminder	ISSUE FEB-2 DAYS	0171-0912 / United States of America	Published Kojima Patent Office	[REDACTED]	19-Nov-2002	GND
<i>Title:</i> ELECTROSTATIC IMAGE DEVELOPER						
Remarks: PUB FEE						

Friday, August 20, 2004

Due Date List By Floor

Page: 39

Floor: 5th

21-Aug-2004

To

23-Aug-2004

Due Date Indicator	Action Due Action Type	Docket Number/Sub-Case Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
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21-Aug-2004	ISSUE FEE-LAST DAY	2870-0182 /	United States of America	Published	SIKS & Co.	29-Mar-2002	MSW
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Team

Title: PHOTOTHERMOGRAPHIC MATERIAL

Remarks: PUB FEE

21-Aug-2004	NOA	3382-0103 /	United States of America	Published	ICHIKAWA TOKKYO JIMUSHO	22-Jul-2002	ADM
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EX

Title: SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

21-Aug-2004	FINAL	3382-0103 /	United States of America	Published	ICHIKAWA TOKKYO JIMUSHO	22-Jul-2002	ADM
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filed 8/20

Title: SAMPLING FILTER FOR CHLORINATED ORGANIC COMPOUNDS

22-Aug-2004	IDS Reminder	0425-0866 / 3	United States of America	Pending	FURUYA & CO.	22-Jun-2004	JWB
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Noted

Title: POWDER DISPERSANT FOR HYDRAULIC COMPOSITIONS

22-Aug-2004	2 WEEK CALL-UP	2185-0664 /	United States of America	Published	[REDACTED]	25-Sep-2002	RCS
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Noted

Title: CATALYST COMPONENT FOR ADDITION POLYMERIZATION, PROCESS FOR PRODUCING CATALYST FOR ADDITION POLYMERIZATION AND PROCESS FOR PRODUCING ADDITION POLYMER

Slow Pay - See Managing Partner

Action Attorney(Attorney2): GMM GERALD M. MURPHY, JR.

21-Aug-2004	SEQUENCE REQ	0230-0213 /	United States of America	Pending	YUASA AND HARA	26-Feb-2004	GMM
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Noted

Title: METHOD OF MODIFYING GENOME IN HIGHER PLANT

Remarks: NOTICE TO COMPLY WITH REQUIREMENTS MAILED 6/21/04
SEQUENCE LISTING DUE

22-Aug-2004	TRANSLATION	0020-5119 /	United States of America	Abandoned	AOYAMA & PARTNERS	27-Feb-2003	GMM
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TRAN

United States of America

AOYAMA & PARTNERS

GMM

Title: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DRUG DEPENDENCE

Remarks: FILE ENGLISH TRANSLATION OF PROVISIONAL

dms 6-25-04, 7/16

Friday, August 20, 2004

Due Date List By Floor

23-Aug-2004

To

23-Aug-2004

Page: 41

Floor: 5th

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004 Reminder	Foreign Filing-1Month Foreign Filing	4951-0103 / 1 United States of America	Pending [REDACTED]	[REDACTED]	23-Sep-2003	GM GM
<i>Title: PREPARATION METHOD</i>						
23-Aug-2004 Reminder	CONVERT PROV-1 Month call-up File Application	4951-0103 / 1 United States of America	Pending [REDACTED]	[REDACTED]	23-Sep-2003	GM GM
<i>Title: PREPARATION METHOD</i>						
Action Attorney(Army)2: JWB JOHN W. BAILEY						
21-Aug-2004 Due Date	FIRST AMEND OAFI	0152-0549 / United States of America	PENDING Asstn Patent Office	[REDACTED]	26-Jan-2001	JWB JWB
<i>Title: NON-CONTACT IC MODULE</i>						
21-Aug-2004 Reminder	ISSUE FEE-1 MONTH IF	0649-0815 / United States of America	PENDING NOB Corporation	[REDACTED]	21-Dec-2001	RCS JWB
<i>Title: RESIN COMPOSITION</i>						
Slow Pay - See Managing Partner						
22-Aug-2004 Due Date	PERFECT FILING PF	0423-1124 / 1 United States of America	Pending FIRUYA & CO.	[REDACTED]	07-Apr-2004	JWB JWB
<i>Title: LIQUID DETERGENT COMPOSITION</i>						
<i>Remarks: NOTICE TO FILE MISSING PARTS MAILED 6/22/04</i>						
<i>OATH OR DECLARATION DUE</i>						
22-Aug-2004 Due Date	AMENDMENT XX OAI	1422-0371 / United States of America	PENDING HOSODA INTERNATIONAL PATENT OFFICE	[REDACTED]	05-Mar-1999	JWB JWB
<i>Title: DETERGENT PARTICLES, PROCESS FOR PREPARING THE SAME, AND DETERGENT COMPOSITION HAVING HIGH BULK DENSITY</i>						
23-Aug-2004 Reminder	IDS Reminder Informing Dispute Sign	3349-0106 / 2 United States of America	Pending Kanesaka & Sakai	[REDACTED]	23-Jun-2004	JWB JWB
<i>Title: COMPOUND HAVING PHENYL ACETYLENE STRUCTURE, LIQUID CRYSTAL COMPOSITION, POLYMER, OPTICALLY ANISOTROPIC PRODUCT, OPTICAL OR LIQUID CRYSTAL ELEMENT, DIBENZOTHIOPHENE COMPOUND...</i>						

Action Attorney(Army)2: KJR KECIA J REYNOLDS

HMOs: 5th

Due Date List By Floor

Due Date	Indicator	Action Type	Docket Number/SubCase	Status	App Number	App Date	Other
Due Date	23-Aug-2004	IDS	Country	Client	Pat Number	Iss Date	Atty
23-Aug-2004	NOA XX	IDS2	United States of America	PENDING	Tanigawa & Associates	25-May-2001	GMW KLR
Title: NUCLEIC ACID FRAGMENTS, RECOMBINANT VECTORS CONTAINING THE SAME AND METHOD FOR PROMOTING EXPRESSION OF STRUCTURAL GENES USING THE SAME							
Remarks: Supp EP Search Report and refs rec'd 8-2-04 (SR mailed 6-14-04), per d sheet 8/16/04							
23-Aug-2004	NOA	EXTEND	1422-0493 /	PENDING	HOSODA INTERNATIONAL PATENT OFFICE	26-Sep-2001	MSW KLR
Title: CERAMIDASE GENE							
23-Aug-2004	RESPONSE	RS	1422-0541 /	Pending	HOSODA INTERNATIONAL PATENT OFFICE	03-Jul-2002	MSW KLR
Title: METHOD FOR EFFECTING SITE-DIRECTED MUTAGENESIS							
Remarks: Interview Summary mailed 7-23-04							
23-Aug-2004	NOA XXX	Final	2520-0120 /	PENDING	Hirose Patent Office	05-Feb-2001	JWB KLR
Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR							
Remarks: Interview Summary mailed 7-23-04							
23-Aug-2004	FINAL XXX	Final	2520-0120 /	PENDING	Hirose Patent Office	05-Feb-2001	JWB KLR
Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR							
Remarks: Interview Summary mailed 7-23-04							
23-Aug-2004	FINAL XX	Final	2962-0120 /	Pending	United States of America	26-Feb-1997	GMW KLR
Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA							
Remarks: Interview Summary mailed 7-23-04							
23-Aug-2004	NOA XX	Final	2962-0120 /	Pending	United States of America	26-Feb-1997	GMW KLR
Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA							
Remarks: Interview Summary mailed 7-23-04							
23-Aug-2004	NOA XX	Final	2962-0120 /	Pending	United States of America	26-Feb-1997	GMW KLR
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Remarks: Interview Summary mailed 7-23-04							
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23-Aug-2004	NOA XX	Final	2962-0120 /	Pending	United States of America	26-Feb-1997	GMW KLR
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Remarks: Interview Summary mailed 7-23-04							
23-Aug							

Action Attorney(Attorney2): KR KALPANA REDDY

END

Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA

Floor: 5th

21-Aug-2004

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23-Aug-2004

Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
21-Aug-2004	DRAWINGS-1 MONTH	0365-0502 /	Published	[REDACTED]	27-Apr-2001	LRS KR
Reminder	DR3	United States of America	Seppo Laine Oy			
<i>Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE</i>						
21-Aug-2004	ISSUE FEE-1 MONTH	0365-0502 /	Published	[REDACTED]	27-Apr-2001	LRS KR
Reminder	IF	United States of America	Seppo Laine Oy			
<i>Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE</i>						
<i>Remarks: PUB FEE</i>						
22-Aug-2004	NOA XXX	0365-0538 /	Published	[REDACTED]	19-Aug-2002	LRS KR
Final	NOA	United States of America	Seppo Laine Oy			
<i>Title: PROPYLENE POLYMERS WITH AN ULTRA HIGH MELT FLOW RATE</i>						
22-Aug-2004	NOA X	0365-0546 /	Published	[REDACTED]	30-Sep-2002	LRS KR
Due Date	NOA	United States of America	Seppo Laine Oy			
<i>Title: PROCESS FOR PRODUCING A POLYETHYLENE COATING ON A SUBSTRATE</i>						
<i>Remarks: Advisory Action mailed 8/12/04</i>						
23-Aug-2004	AMENDMENT XX	0147-0215 /	Pending	[REDACTED]	23-Feb-2001	LRS KR
Due Date	OAI	United States of America	VOSSUS & PARTNER			
<i>Title: TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR</i>						
<i>Slow Pay - See Managing Partner</i>						
23-Aug-2004	NOA XXX	0365-0538 /	Published	[REDACTED]	19-Aug-2002	LRS KR
Final	NOA	United States of America	Seppo Laine Oy			
<i>Title: PROPYLENE POLYMERS WITH AN ULTRA HIGH MELT FLOW RATE</i>						
23-Aug-2004	TO BE FILED ACTUAL-LAST DAY	0459-0593 /	PENDING	[REDACTED]	30-Apr-2001	LRS KR
Final	TBPA	United States of America	PLUDGMANN & VINGTOFT AS			
<i>Title: BINDER SYSTEMS DERIVED FROM AMORPHOUS SILICA AND BASES</i>						
<i>Remarks: FILE CONTINUATION per e-mail dated 8-19-04</i>						
<i>Slow Pay - See Managing Partner</i>						

Action Attorney(Attorney2): LRS LEONARD R. SVENSSON

Floor: 3th

21-Aug-2004 To 25-Aug-2004

Due Date	Action Due	Indicator	Action Type	Docket Number/SubCase	Status	App Number	App Date	Other
				Country	Client	Pat Number	Iss Date	Atty
23-Aug-2004	CONVERT PROV-1 Month call-up	Reminder	File Application	2959-0106 /	Pending	[REDACTED]	23-Sep-2003	CG
				United States of America	[REDACTED]			MAA
				Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES				
23-Aug-2004	Foreign Filing-1Month	Reminder	Foreign Filing	2959-0106 /	Pending	[REDACTED]	23-Sep-2003	CG
				United States of America	[REDACTED]			MAA
				Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES				
23-Aug-2004	NOA XX	Due Date		3672-0111 /	Pending	[REDACTED]	08-Jun-2001	MKM
				United States of America	[REDACTED]			MAA
				Title: A MEANS FOR ELECTRICAL CONTACTING OR ISOLATION OF ORGANIC OR INORGANIC SEMICONDUCTORS AND A METHOD FOR ITS...				
				Remarks: Advisory Action mailed 7/2/04				
23-Aug-2004	RENEWED PETITION	Reminder		4565-0106 /	Pending	[REDACTED]	03-Oct-2003	CG
				United States of America	[REDACTED]			MAA
				Title: IMADUOTHERAPEUTIC COMBINATIONS FOR THE TREATMENT OF TUMOURS THAT OVER-EXPRESS GANGLIOSIDES				
				Remarks: Decision on Petition mailed 7-23-04 (dismissed)				
				EOT available under 37 CFR 1.136(c)				
Slow Pay - See Managing Partner								
Action Attorney(Attorney2): RCS RAYMOND C. STEWART								
22-Aug-2004	PERFECT FILING	Reminder		0446-0166 / 1	Pending	[REDACTED]	22-Jul-2004	RCS
				United States of America	Devices Collision Cave			RCS
				Title: DESULFURISATION OF FUEL				
23-Aug-2004	PERFECT FILING	Reminder		0446-0167 / 1	Pending	[REDACTED]	23-Jul-2004	RCS
				United States of America	Devices Collision Cave			RCS
				Title: A METHOD OF PRODUCING AN ANTICOAGULATION EFFECT				
Action Attorney(Attorney2): RG RICHARD J. GALLAGHER								
21-Aug-2004	NOA X	Due Date		0171-0902 /	Published	[REDACTED]	09-Oct-2002	GMN
				United States of America	Kojima Patent Office			RG
				Title: FILM PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM				
				Remarks: Advisory Action mailed 8/11/04				

More Sh

21-Aug-2004

TO

23-Aug-2004

Due Date Indicator	Action Due Action Type	Docket Number/Sub-Case Country	Status Client	App Number Pat Number	App Date Iss Date	Other Atty's
23-Aug-2004 Reminder	ISSUE FEE-1 MONTH IF	0423-0911 / United States of America	Published FURUYA & CO.		06-May-2002	RCS RG
Title: GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS Remarks: PUB FEE						
23-Aug-2004 Reminder	Foreign Filing-1Month Foreign Filing	3273-0179 / United States of America	Pending Goto & Co. Patent Attorney		23-Sep-2003	RCS RG
Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME						
23-Aug-2004 Reminder	CONVERT PROV-1 Month call-up File Application	3273-0179 / United States of America	Pending Goto & Co. Patent Attorney		23-Sep-2003	RCS RG
Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME						
Action Attorney(Attorney2): SWG SUSAN W. GORMAN						
21-Aug-2004 Reminder	SPECIAL LETTER SPL1	1718-0207 / United States of America	Published [REDACTED]		28-Feb-2003	LRS SWG
Title: NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS						



UNITED STATES PATENT AND TRADEMARK OFFICE

3885-102P

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Andrew D. Meikle
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of: :
Yamada, *et al.* :
Application No. 10/046,739 :
Filed: January 17, 2002 :
For: THIN-FILM CRYSTAL WAFER :
HAVING PN JUNCTION AND :
METHOD FOR FABRICATING THE :
WAFER :

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT

RECEIVED BY
DEPT. OF COMMERCE

mm 7-26-04

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered ~~had~~ it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. '711.03(c).

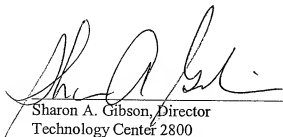
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fax Cover Sheet

Date: 04 Apr 2005

To: Mr. Andrew Melke	From: Vikki H. Trinh
Application/Control Number: 01/046,739	Art Unit: 2814
Fax No.: 703-205-8050	Phone No.: 571-272-1719
Voice No.: (703) 205-8000	Return Fax No.: (571) 273-1719
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

Enclosed is a copy of a new Notice of Abandonment, which will be sent to you, and a copy of the Office Action sent on JULY 23, 2004.

Number of pages including this page

STATEMENT OF CONFIDENTIALITY

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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hitoshi Yamada	3885-0101P	2551

2292 7590 7/23/2004

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 PO BOX 747
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EXAMINER	
TR/NH, HOA B	

ART UNIT	PAPER NUMBER
2814	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikid H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Application/Control Number: 10/046,739
Art Unit: 2814

Page 2

DETAILED ACTION*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
- II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other than a materially different product or (2) that the product as claimed can be made by another and a materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Application/Control Number: 10/046,739
Art Unit: 2814

Page 3

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-7088.


Vikki Trinh,
Patent Examiner
AU 2814

November 17, 2002

Notice of Abandonment

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.

- (a) ☐ A reply was received on _____, with a Certificate of Mailing or Transmission dated _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

- (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

- (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

- (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.7. ☒ The reason(s) below.

There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent rights.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND
METHOD FOR FABRICATING THE WAFER

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

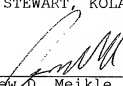
- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for _____ () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

fees required under 37 C.F.R. §§1.16 or 1.17; particularly,
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM:gmh
3885-0102P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551
Appl. No.: 10/046,739 Group: 2814
Filed: January 17, 2002 Examiner: H. TRINH
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND
METHOD FOR FABRICATING THE WAFER

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In reply to the Restriction Requirement received April 4, 2005, via facsimile, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-11 are pending in the above-identified application.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. 121 as follows:

Group I - claims 1-5 directed to a device; and

Group II - claims 6-11, directed to a method for making the device of the claims of Group I.

Election

Applicants hereby elect the claims of Group I, i.e. claims 1-5. This election is made with a traversal.

Reasons for Traversal of Restriction Requirement

It is respectfully submitted that the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I. For example, the method steps recited in claim 6 require the formation of a base layer, a thin film layer and an emitter layer which have the same composition and properties as recited for the corresponding layers in elected claim 1. The reason indicated for the restriction requirement that the method recited in the claims of Group II may be used to form a "materially different product" is

not understood in that it appears the same product having the same properties is indeed formed by the method of non-elected group II claims. Consequently, it is submitted that there is no significant burden placed on the Examiner to examine all of the subject matter of all of the claims pending in the present application such that the Restriction Requirement should be withdrawn.

Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR
FABRICATING THE WAFER

Examiner: H. B. Trinh

LETTER RESUBMITTING PETITION TO WITHDRAW ABANDONMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Attached hereto is a Petition to Withdraw the Holding of Abandonment filed May 4, 2005. Applicants respectfully request a Decision with regard to this Petition.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 02-2448, under Order No. 3885-0102P from which the undersigned is authorized to draw.

Dated: July 15, 2005

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorneys for Applicant



ADM/gh

MS PETITION
Docket No.: 3885-0102P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING
THE WAFER

Examiner: H. B. Trinh

STATUS INQUIRY

MS Petition


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: March 13, 2006

Respectfully submitted,

By 
Andrew B. Mickle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant



MS PETITION
Docket No.: 3885-0102P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN
JUNCTION AND METHOD FOR FABRICATING
THE WAFER

Examiner: H. B. Trinh

SECOND STATUS INQUIRY


MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: May 22, 2009

Respectfully submitted,

By 
Andrew D. Meikle
Registration No.: 32,868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

JUL 30 2009

OFFICE OF PETITIONS

In re Application of :
Hisashi Yamada, et al. :
Application No. 10/046,739 : **DECISION ON PETITION**
Filed: January 17, 2002 :
Attorney Docket No. 3885-0102P :

This is a decision on the petition, filed May 4, 2005, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 23, 2004. A Notice of Abandonment was mailed April 8, 2005. In response, on May 4, 2005, the present petition was filed.

Petitioner asserts that the Office action dated July 23, 2004 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action of July 23, 2004. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month

EXHIBIT

13

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date one month from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 2814 for appropriate action in the normal course of business on the reply received May 4, 2005.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,739	01/17/2002	Hisashi Yamada	3885-0102P	2551
2292	7590	10/28/2009		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGO, NGAN V	
			ART UNIT	PAPER NUMBER
			2893	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Ngan Ngo

Art Unit

2893

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20020117

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

The election filed July 15, 2005 has been entered and made of record as paper no. 20050715.

Applicant's election with traverse of claim 1-5 in the reply filed on July 15, 2005 is acknowledged. The traversal is on the ground(s) that "the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I ". This is not found persuasive because the search might overlap but not coextensive. The search of group I does not require to search "a heterojunction bipolar transistor" as recited in Group II.

The requirement is still deemed proper and is therefore made FINAL.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "the first and second crystal layer...forms a heterojunction" is not understood. If the "thin film layer" is formed between (at an interface of the heterojunction) the first and second crystal layer, then there is no "heterojunction" between the first and the second crystal layers; the first and the second crystal layers are separated from each other by the "thin film layer".

Any inquiry concerning this communication should be directed to Examiner Ngan Ngo at telephone number (571) 272-1711. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ngan Ngo/

Primary Examiner, Art Unit 2893

Ngan Ngo
October 26, 2009

Notice of References Cited	Application/Control No. 10/046,739		Applicant(s)/Patent Under Reexamination YAMADA ET AL.	
	Examiner Ngan Ngo		Art Unit 2893	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,351,256 A	09-1994	Schneider et al.	372/45,011
*	B	US-5,766,981 A	06-1998	Thornton et al.	438/36
*	C	US-5,811,844 A	09-1998	Kuo et al.	257/194
*	D	US-5,844,261 A	12-1998	Kuo et al.	257/194
*	E	US-5,844,260 A	12-1998	Ohori, Tatsuya	257/190
*	F	US-2002/0031853 A1	03-2002	Fujimoto, Hidetoshi	438/48
*	G	US-2002/0118720 A1	08-2002	Ebeling et al.	372/96
*	H	US-2003/0064538 A1	04-2003	Fujimoto, Hidetoshi	438/48
*	I	US-2003/0170927 A1	09-2003	Holonyak et al.	438/47
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